

Central Intelligence Agency



Washington, D.C. 20505

1 August 2019

Ms. Emma Best
MuckRock
Dept MR 39138
411A Highland Avenue
Somerville, MA 02144-2516

Reference: EOM-2017-00868

Dear Ms. Best:

This is a final response to your correspondence of 23 June 2017, submitted on behalf of MuckRock, requesting an Executive order 13526 mandatory declassification review of the following:

1. *A copy of the Agency's "Aspects of Intelligence Sources and Methods of the Central Intelligence Agency That Require Protection from Unauthorized Disclosure," originally dated 12 December 1975 and number OGC 76-03333.*
2. *Revised and updated copies of the Agency's "Aspects of Intelligence Sources and Methods of the Central Intelligence Agency That Require Protection from Unauthorized Disclosure," originally dated 12 December 1975 and number OGC 76-03333 as well as any equivalent documents.*

We completed a thorough search of Item No. 1 and found no records responsive to your request. Although we conducted a thorough search reasonably calculated to locate the record responsive to your request, it is highly unlikely that repeating those searches would change the result. You still have the legal right to appeal the finding of no records responsive to your request.

We have determined that document listed in Item No. 2 may be released in sanitized form. We have deleted material that must remain classified on the basis of Section 3.3(b)(1) of the Order. Additional information must be withheld because withholding is authorized and warranted under applicable law as provided by Sections 3.5(c) and 6.2(d) of the Order. Enclosed is a copy of the document showing our deletions and citing our exemptions.

As the CIA Information and Privacy Coordinator, I am the CIA official responsible for these determinations. You have the right to appeal this response to the Agency Release Panel in my care, within 90 days from the date of this letter. Should you choose to do this, please include the basis of your appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Lilly".

Mark Lilly
Information and Privacy Coordinator

Executive Authority
75-CCG4

EO 13526
3.3(b)(1)>25Yrs
EO 13526
3.5(c)
EO 13526 6.2(d)

DIRECTOR OF CENTRAL INTELLIGENCE DETERMINATION

ASPECTS OF INTELLIGENCE SOURCES AND METHODS
THAT MUST BE PROTECTED FROM UNAUTHORIZED DISCLOSURE

"Aspects of Intelligence"

1. By virtue of the authorities vested in me as Director of Central Intelligence, pursuant to Section 102(d)(3) of the National Security Act of 1947, as amended, and Section 6 of the Central Intelligence Act of 1949, as amended, by virtue of the authorities delegated to me by the National Security Council, pursuant to the authorities of Section 102(d) of the National Security Act of 1947, as amended, and by virtue of the authorities vested in me as head of an agency of the United States Government, I do hereby determine that the attached list entitled "Aspects of Intelligence Sources and Methods of the Central Intelligence Agency that Require Protection from Unauthorized Disclosure" constitutes the aspects of intelligence sources and methods of the Central Intelligence Agency which must be protected from unauthorized disclosure.
2. If any aspect contained in said list is held invalid, all valid aspects that are severable from the invalid aspect remain in effect. If an aspect is held invalid in one or more of its applications, the aspect remains in effect in all valid applications that are severable from the invalid application or applications.
3. All documents originated within the Central Intelligence Agency which contain any information described in the aspects of intelligence sources and methods as enumerated in said list or which will be subsequently authorized by me for addition to said list will be marked with a warning to indicate same.
4. For matters other than those related to the Freedom of Information Act and Executive Order 11652, I hereby delegate to the Deputy Directors for Administration, Intelligence, Operations and Science and Technology, Inspector General, General Counsel, Legislative Counsel and Comptroller the authority to authorize disclosure of any aspect or part thereof contained

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UNCLASSIFIED When Separated
From Enclosure

in said list that is within their substantive areas of responsibility where such disclosure will not damage or put in jeopardy Agency employees, agents, informants, activities, operations or interests. This delegation may be redelegated to the immediate subordinates of these Deputy Directors and Heads of Independent Offices. Nothing in this delegation is meant to conflict with my delegation of 6 February 1975 with respect to the Freedom of Information Act or Executive Order 11652.

5. Information relating to any Agency activity or operation which violates a U.S. statute, Executive order or Presidential order or is without authority of law cannot be withheld irrespective of any otherwise apparent coverage that might be afforded by any aspect contained in said list.

6. Procedures necessary to implement this determination will be promulgated, pursuant to the authority contained herein, as a regulation of the Central Intelligence Agency. I hereby authorize and direct the Deputy Director for Administration to approve and implement such regulation. I hereby assign the responsibility to the Deputy Director for Administration to periodically review said list to develop any new aspects or to delete aspects no longer necessary. The results of said review as well as any aspects identified requiring my immediate attention will be forwarded to me for approval.

32 JAN 1976

Date

Director of Central Intelligence

C06084229

Approved for Release: 2019/06/13 C06084229

3.3(b)(1)
6.2(d)
3.5(c)

3.5(c)

Approved for Release: 2019/06/13 C06084229

C06084229

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3.3(b)(1)
6.2(d)

Central Intelligence Agency

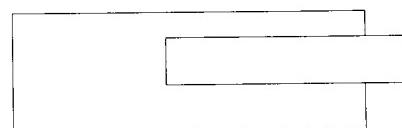
GUIDELINES FOR DECLASSIFICATION OF CIA AND PREDECESSOR
ORGANIZATION RECORDS FOR THE PERIOD 1946 THROUGH 1950General

The only Agency documents 30 years old or older that will be protected through classification will be those specifically identified, in writing, by the Director of CIA as needing continued protection. The task of Agency reviewers of 1946-1950 materials for which the CIA has classification jurisdiction is to identify for the DCI those individual items requiring protection so that the DCI can then certify lists of such items to the Archivist of the United States in line with E.O. 11652.

Agency reviewers will keep in mind the transitional nature of the 1946-1950 period for U.S. intelligence. While the SSU was clearly a vestige of the wartime OSS, thereby meriting some of the same declassification considerations as applied to COI and OSS information and materials through 1945, it also constituted the nucleus of centralized intelligence organization and activity in the postwar "peace" which rapidly became the Cold War. Whereas OSS records could be reviewed in a prosecution-of-the-war context, with considerations heavily weighted in favor of release, the 1946-1950 records are much more a part of the U.S. intelligence continuum wherein current and future equities can be affected by declassification of earlier materials.

The decision to retain classification

There are only two criteria provided by the Executive Order for continuing an item in classified status beyond 30 years, namely: (a) continued protection is essential to the national security, and/or (b) disclosure would place a person in immediate jeopardy. While this contrasts in number with the four criteria of Sec. 5(B) of the same Order for exempting items less than 30 years old from the General Declassification Schedule, it is clearly the intent of the Order that it is "essential to national security" to protect beyond 30 years:

~~CONFIDENTIAL~~6.2(d)
3.5(c)

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Classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence. [Sec. 5(B)(1)]

Classified information or material specifically covered by statute, or pertaining to cryptography, or disclosing intelligence sources or methods. [Sec. 5(B)(2)]

Classified information or material disclosing a system, plan, installation, project or specific foreign relations matter the continuing protection of which is essential to the national security. [Sec. 5(B)(3)]

The second criterion under Section 5(E) is obviously the same as the last of the four criteria of Section 5(B):

Classified information or material the disclosure of which would place a person in immediate jeopardy. [Sec. 5(B)(4)]

The judgment of "immediate jeopardy" by reviewing officers will continue to be made on the basis of the more narrow definitions of physical, legal or severe political jeopardy, not that of political or social embarrassment.

Although the Order does not so state, Agency reviewers will use the letter "A" to indicate on the Declassification Review Worksheet (Form 3712) that the reason for protection is that of national security interests, and "B" that the reason is that of placing a person in immediate jeopardy. For purposes of shorthand ease in further identifying the nature of the national security interest involved, the Agency's Form 3712 provides a column headed "EXCAT" (exemption category) which should be filled in with the appropriate number(s) 1, 2 and/or 3 from Section 5(B).

Protection deriving from statute

The Director is charged by the National Security Act of 1947 with the protection against unwarranted disclosure of intelligence sources and methods. Reviewing officers will familiarize themselves with the DCI's "Aspects of Intelligence Sources and Methods of the Central Intelligence Agency

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That Require Protection from Unauthorized Disclosure," classified Secret and dated 12 January 1976. While that document has a contemporary focus, much of its categorization and detail can be applied to intelligence activity of 30 years ago. As the most definitive statement officially issued on the subject to date, it should be treated as an interpretative annex to these guidelines.

The Director's responsibility regarding protection of sources and methods is reiterated in the CIA Act of 1949 and further amplified to exempt the Agency from any legal requirement for the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency. The language of the CIA Act regarding these areas makes retention of classification thereof optional, not mandatory. Reviewers will draw heavily on specific declassification precedents as available and to be developed.

Applicability

These guidelines are for use by CIA officers specifically charged with the declassification review of information and materials dated 1946-1950 for which the CIA and its predecessor organizations -- the SSU and the CIG -- exercised exclusive or final original classification authority. Although some of this material is already 30 years old, and therefore technically subject to declassification by the Archivist of the United States, most of the records can yet be reviewed prior to their reaching 30 years, as prescribed by the Executive Order.

Reviewers will apply these guidelines to such documents and materials wherever located -- National Archives, Records Centers, Presidential Libraries, etc., as well as CIA's own facilities. Likewise, reviewers will use these guidelines in the protection of CIA interests in the documents and materials of other agencies, wherever those documents and materials might be held.

These guidelines do not apply to the information and materials of other agencies, nor to the interests and equities of other agencies which might be found in documents originated by the CIA or its predecessor organizations. In all of these cases, the items in question should be identified for appropriate review by the agency or department of concern.

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~~CONFIDENTIAL~~Precedents for declassification of 1946-1950 records

Experience of CIA officials reviewing classification of 1946-1950 records, under either the mandatory review provision of E.O. 11652 or the Freedom of Information Act, is pertinent to the program of systematic review contemplated by these guidelines. The following areas of past decision shall be considered precedents for those engaged in the systematic review:

- a. The organizational structures of the SSU, CIG and CIA at the headquarters level during 1946-1950 can be declassified except for component breakdowns of those predecessor elements of the present DDO.
- b. The fact of presence and activity abroad by the SSU, CIG, and CIA is not sensitive, but the details of location, organization, cover, staffing and activity abroad are usually to be protected.
- c. The functions and missions of the SSU and CIG are not generally sensitive when broadly described, but are sensitive when related to particular areas and circumstances or to specific capabilities and intentions.
- d. The functions of the CIA in the 1946-1950 period tend to be more sensitive than those of the SSU and CIG, particularly with the assignment of covert action by the NSC. Covert action program details are to be protected except where prior official disclosure clearly dictates otherwise.
- e. Names and official titles of personnel in SSU, CIG and CIA during 1946-1950 are generally protected up through Division Chief in the DDO and Office Director elsewhere, with selective exceptions based on prior disclosure, cover and operational considerations.
- f. Numbers of employees and size of budgets are protected, as should be any other quantitative factor indicating scope or thrust of the intelligence effort of the period.
- g. Estimative material published prior to the formation of the Office of National Estimates on 13 November 1950 is generally releasable.
- h. Situation and analytical reporting of the period is generally releasable if sensitive sourcing is not stated or otherwise identified.

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i. SSU and CIG reports are generally releasable except for disclosures of sources and methods, including sensitive foreign liaison relationships. CIA field reports must be shorn of the source line, field report number and place acquired in order to be releasable.

6.2(d)
3.3(b)(1)



k. Pseudonyms, cryptonyms and codewords are part of intelligence methodology, causing need for classification on documents containing such.

Period of continued classification

Executive Order 11652 charges the head of the Department with determining not only the need for protection through classification but also the period of continued classification required on each item of material reaching 30 years. The DCI obviously must rely on Agency reviewers of the 1946-1950 material for both these matters. The completed Form 3712 will in all cases other than liaison show a year in the last column (Automatically Declassified on 31 December ____), although in some cases reviewers may deem it necessary to amend the column heading to read, "Re-review on 31 December ____."

Decisions on periods of time for protection will be made within the following framework, with the understanding that time periods stated are outside limits which should be compressed wherever and whenever possible in light of the particular substance of the material under review. These periods are given from the year of origin of the classified item, using the categories of the Director's 12 January 1976 determination on "Aspects."

<u>Category</u>	<u>SSU</u>	<u>CIG</u>	<u>CIA</u>
Personnel/Cover	75	75	75
Defectors	50	60	75
Security/Contracts	50	60	75
Finance	50	60	75
General Intelligence	30	30	30
Operations	50	60	75
Foreign Liaison*	L	L	L
Communications	50	50	50
Science and Technology	50	50	50
Research and Development	50	50	50
Named Relationships	50	50	50

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- * Declassification of information or materials received from foreign liaison can only be done as authorized by the liaison service involved. For this category, an "L" in the last column of Form 3712 signifies a lack of authorization from the liaison service regarding declassification. If there should be reasons of CIA's own concern warranting continued classification, over and above the fact of liaison origin, an "A" or "B" should be shown in the "Reason" column. The "Remarks" column may be used to emphasize or elaborate on the need for either the concurrence of the liaison service or the protection of CIA's own interests and equities.

Classification review actions

Reviewing officers will take the following actions in line with these guidelines on the handling of classified information and materials of the 1946-1950 period:

a. Where there is no need for continued protection under Section 5(E), the item should be declassified and, eventually, so marked to show the date and authority by which this action was taken.

b. Where need for continued protection under Section 5(E) exists, the item should be examined for the level of classification required. Unless the reviewer notes otherwise, all documents to be certified as requiring classification status beyond 30 years will be retained at the Confidential level. (This downgrading of Top Secret and Secret items need not be shown on the individual items until such time as they are withdrawn from archival holdings for whatever reason.)

c. In all cases where a need exists under Section 5(E) for continued security classification, that decision will also be entered onto CIA Form 3712 for eventual consolidation and certification by the Director to the Archivist of the United States. The information provided on Form 3712 must include enough basic information to insure ease of identification for future retrieval either as an individual item or as part of a category or group of items in a computerized system. In this regard, the Agency has been advised that the Archivist can accept certain series of documents on the certification lists where an entire series clearly requires protection beyond 30 years.

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d. Reviewers, bearing in mind that much material can be segregated for release in sanitized form, should record on the Form 3712 any unique insights helpful to other reviewers later faced with the decision to release in part to a requester. Lacking such unique insights, reviewers need not cope with the segregability of an item for release.

e. Finally, reviewers will tab or otherwise note those documents or portions of documents found among CIA's holdings but requiring review by other agencies.

IPS [redacted] cb/22 September 1976

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Distribution:

Orig - Addressee (see attached memo)

1-- IPS Chrono

1 ✓ IPS Subject File

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DECLASSIFICATION REVIEW WORKSHEET

(C)

Form 3712

Start new sheet for each box. Use as many continuation sheets as necessary.

RECORD GROUP NUMBER (circle one) RECORDS CENTER JOB NUMBER ARCHIVES OR RECORDS CENTER BOX NO. ENTRY NUMBER AND/OR SERIES TITLE

226 263
REVIEWERREVIEWSING COMPONENT DATE OF REVIEW
(yr.-mo.-da) ORGANIZATIONS OTHER THAN OSS OR CIA WHOSE RECORDS ARE INCLUDED IN BOX

PREFATORY NOTE

DOCUMENT IDENTIFICATION (include no. of pages)	DATE (yr.-mo.-da)	ORIGINAL CLASSI- FICATION	RECLAS- SIFIED TO	EXCAT	REASON FOR CONT. CLAS- SIFICATION	REMARKS	AUTOMATICALLY DECLASSIFIED ON 31 DECEMBER
					6.2(d)		

Form 3712

DECLASSIFICATION REVIEW WORKSHEET

Start new sheet for each box. Use as many continuation sheets as necessary.

RECORD GROUP NUMBER (circle one)	RECORDS CENTER JOB NUMBER		ARCHIVES OR RECORDS CENTER BOX NO.		ENTRY NUMBER AND/OR SERIES TITLE	
226 263						
REVIEWER	REVIEWING COMPONENT	DATE OF REVIEW (yr-mo-da)	ORGANIZATIONS OTHER THAN OSS OR CIA WHOSE RECORDS ARE INCLUDED IN BOX			
PREFATORY NOTE						
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						AUTOMATICALLY DECLASSIFIED ON 31 DECEMBER

FORM 3712 USE PREVIOUS
2-75 EDITIONS

Return Completed Forms to IRS/DDA

Headquarters

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6.2(d)

3.5(c)